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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

A01323A

In re Application of: DANIEL ARTHUR BORS, et al.

Application No.: 10/720,521

Filed: November 23, 2003

For: ELECTROACTIVE CATALYSIS

The owner\*, Rohm and Haas Company, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/294,205, filed on 11/14/2002, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 46,561

  
Signature3/23/2006  
Date

MARCELLA M. BODNER

Typed or printed name

(215) 592-3025

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

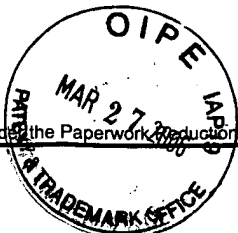
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PTO/SB/96 (12-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: ROHM AND HAAS COMPANY

Application No./Patent No./Control No.: 10/720,521 Filed/Issue Date: November 23, 2003

Entitled: ELECTROACTIVE CATALYSIS

Rohm and Haas Company  
(Name of Assignee)

, a corporation  
(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a true copy of the original assignment is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

James G. Youros  
Signature

James G. Youros  
Printed or Typed Name

Assistant Secretary  
Title

MARCH 23, 2006  
Date

215-592-2564  
Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

WHEREAS, DANIEL ARTHUR BORS of 1676 Pembroke Road, Maple Glen, PA 19002; ANNE MAE GAFFNEY of 805 Copeland School Road, West Chester, PA 19380; and STEPHEN GERARD MAROLDO of 701 Judie Lane, Ambler, PA 19002 (hereafter Assignor(s)), invented certain new and useful improvements in ELECTROACTIVE CATALYSIS, (hereafter "INVENTION") for which on the date below Assignor executed an application for Letters Patent of the United States of America;

WHEREAS at the time the INVENTION was made, Assignor was under an obligation to assign all right, title and interest in Assignor's INVENTION to ROHM AND HAAS COMPANY, a Delaware corporation having its principal place of business at 100 Independence Mall West, Philadelphia, Pennsylvania, 19106-2399, which wants to formalize the assignment and its ownership of the entire interest in the INVENTION and in any and all applications for patent thereon and in any and all Letters Patent which may be granted thereon;

NOW, THEREFORE, for valuable consideration received by Assignor, receipt and sufficiency of which is hereby acknowledged, Assignor has assigned and by this Assignment does assign to ROHM AND HAAS COMPANY, for the United States of America, its territorial possession, and for all foreign countries, the entire right, title, and interest in and to the INVENTION including the right to apply for patents, or similar protection, including any continuations, divisional, renewal, substitute, reissue or improvement applications, and to claim International Convention priority, in all such foreign countries; Assignor further agrees without further consideration to testify in any proceedings, to execute all papers, execute all divisional, continuing, continuation-in-part, reissue and foreign applications, and make all rightful oaths and declaration relating to the INVENTION, requested by the ROHM AND HAAS COMPANY; and Assignor does hereby authorize and request the Commissioner of Patents and Trademarks of the United States of America and the corresponding official in any foreign country to issue any Letters Patent which may be granted in the United States or foreign country, respectively, to ROHM AND HAAS COMPANY for its sole use and benefit and for its successors and assigns, to the full end of the term or terms for which said Letters Patent may be granted.

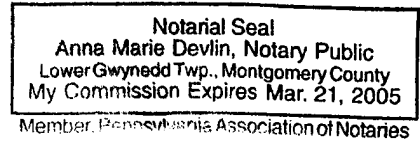
Assignor authorizes and requests insertion herein of the Serial Number 10/720,521 and filing date Nov 23, 2003 of said application when officially known.

IN TESTIMONY WHEREOF, Assignor intending to be legally bound has hereunto affixed its signature(s).

11/19/03  
Date

Daniel Arthur Bors  
DANIEL ARTHUR BORS

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF MONTGOMERY : SS.



**DANIEL ARTHUR BORS** personally appeared before me and acknowledged to me that the execution of the foregoing instrument is an act of free will and deed of this 19 day of NOVEMBER, 2003.

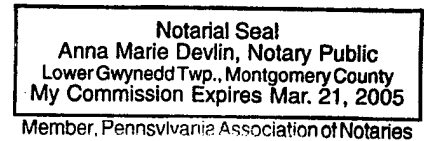
[SEAL]

Anna Marie Devlin  
Notary Public

19<sup>th</sup> November, 2003  
Date

Anne Mae Gaffney  
ANNE MAE GAFFNEY

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF MONTGOMERY : SS.



**ANNE MAE GAFFNEY** personally appeared before me and acknowledged to me that the execution of the foregoing instrument is an act of free will and deed of this 19 day of November, 2003.

[SEAL]

Anna Marie Devlin  
Notary Public

18 No 2003  
Date

Stephen Gerard Maroldo  
STEPHEN GERARD MAROLDO

COMMONWEALTH OF PENNSYLVANIA :  
COUNTY OF Bucks : SS.

**STEPHEN GERARD MAROLDO** personally appeared before me and acknowledged to me that the execution of the foregoing instrument is an act of free will and deed of this 18<sup>th</sup> day of November, 2003.

[SEAL]

Cynthia A. Morris  
Notary Public

